

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ADWAY LEASING, LLC,	}	
	}	
Plaintiff,	}	
	}	
v.	}	CIVIL ACTION NO.
	}	07-AR-2237-S
	}	
SMITH LOGISTICS, INC., et	}	
al.,	}	
	}	
Defendants.	}	

MEMORANDUM OPINION AND ORDER

This case comes before the court on various motions of plaintiff, Adway Leasing, Inc., to compel defendants, All American Xpress, Inc. ("All American"), Smith Logistics, Inc., Smithway Transportation Inc., Smithway Logistics Inc.,¹ Kenneth B. Smith, and Kenneth J. Smith (hereinafter "defendants"), to answer questions to interrogatories. Plaintiff also moves to deem several of defendants' responses, or lack thereof, admitted. Defendants Smithway Logistics, Inc. and Smith Logistics Inc. also move for sanctions against plaintiff, alleging plaintiff failed to comply with the Federal Rules of Civil Procedure.

On August 29, 2008, the court held a hearing on plaintiff's discovery motions. The court will not rule on plaintiff's motions until the completion of discovery. The court and the parties agree

¹Due to the confusion concerning defendants' legal names, noted *infra*, the court lists these corporate defendants assuming that they all do, or did at one time, legally exist. The court awaits clarification.


that cooperative discovery should remedy most of, if not all, these disputes. However, plaintiff may raise the same objections upon completion of discovery. Of note, plaintiff, All American, and the court agree that plaintiff's motion to compel defendant All American is MOOT.

The court and the parties likewise agree that plaintiff may inspect and copy any/all of defendants' documents. Plaintiff shall bear the cost of the copying service. Defendants may provide a person to oversee the copying service in order to prevent damage to defendants' files. The parties shall determine the time and place for inspection.

Due to ambiguity in the pleadings, the court orders the plaintiff to provide the accurate legal name of each named defendant, defendants to fully cooperate with plaintiff in this regard, and plaintiff to file this information with the court by the end of discovery, December 1, 2008.

Defendants' motion for sanctions is DENIED.

DONE this 3rd day of September, 2008.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE

